

106TH CONGRESS
1ST SESSION

H. R. 2607

To promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1999

Mr. ROHRBACHER introduced the following bill; which was referred to the Committee on Science

A BILL

To promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commercial Space
5 Transportation Competitiveness Act of 1999”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) a robust United States space transportation
4 industry is vital to the Nation’s economic well-being
5 and national security;

6 (2) a 5-year extension of the excess third party
7 claims payment provision of chapter 701 of title 49,
8 United States Code, (Commercial Space Launch Ac-
9 tivities) is necessary at this time to protect the pri-
10 vate sector from uninsurable levels of liability;

11 (3) enactment of this extension will have a ben-
12 efiticial impact on the international competitiveness of
13 the United States space transportation industry;

14 (4) space transportation may eventually move
15 into more airplane-style operations;

16 (5) during the next 3 years the Federal Govern-
17 ment and the private sector should analyze and de-
18 termine whether a more appropriate and effective li-
19 ability risk-sharing regime can be achieved and, if
20 so, develop and propose the new regime to Congress
21 at least 2 years prior to the expiration of the exten-
22 sion contained in this Act;

23 (6) the areas of responsibility of the Office of
24 the Associate Administrator for Commercial Space
25 Transportation have significantly increased as a re-
26 sult of—

1 (A) the rapidly expanding commercial
2 space transportation industry and associated
3 government licensing requirements;

4 (B) regulatory activity as a result of the
5 emerging commercial reusable launch vehicle in-
6 dustry; and

7 (C) the increased regulatory activity asso-
8 ciated with commercial operation of launch and
9 reentry sites; and

10 (7) the Office of the Associate Administrator
11 for Commercial Space Transportation should engage
12 in only those promotional activities which directly
13 support its regulatory mission.

14 **SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.**

15 (a) AMENDMENT.—Section 70119 of title 49, United
16 States Code, is amended to read as follows:

17 **“§ 70119. Office of Commercial Space Transportation**

18 “There are authorized to be appropriated to the Sec-
19 retary of Transportation for the activities of the Office
20 of the Associate Administrator for Commercial Space
21 Transportation—

22 “(1) \$6,275,000 for fiscal year 1999;

23 “(2) \$7,000,000 for fiscal year 2000;

24 “(3) \$8,300,000 for fiscal year 2001; and

25 “(4) \$9,840,000 for fiscal year 2002.”.

1 (b) TABLE OF SECTIONS AMENDMENT.—The item
 2 relating to section 70119 in the table of sections of chap-
 3 ter 701 of title 49, United States Code, is amended to
 4 read as follows:

“70119. Office of Commercial Space Transportation.”.

5 **SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to the Secretary of Com-
 8 merce for the activities of the Office of Space
 9 Commercialization—

10 (1) \$530,000 for fiscal year 2000;

11 (2) \$550,000 for fiscal year 2001; and

12 (3) \$570,000 for fiscal year 2002.

13 (b) REPORT TO CONGRESS.—Not later than 90 days
 14 after the date of the enactment of this Act, the Secretary
 15 of Commerce shall transmit to the Congress a report on
 16 the Office of Space Commercialization detailing the activi-
 17 ties of the Office, the materials produced by the Office,
 18 the extent to which the Office has fulfilled the functions
 19 established for it by the Congress, and the extent to which
 20 the Office has participated in interagency efforts.

21 **SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEM-**
 22 **NIFICATION EXTENSION.**

23 Section 70113(f) of title 49, United States Code, is
 24 amended by striking “December 31, 1999” and inserting
 25 “December 31, 2004”.

1 **SEC. 6. LIABILITY REGIME FOR COMMERCIAL SPACE**
2 **TRANSPORTATION.**

3 (a) **REPORT REQUIREMENT.**—Not later than 18
4 months after the date of the enactment of this Act, the
5 Secretary of Transportation shall transmit to the Con-
6 gress a report on the liability risk-sharing regime in the
7 United States for commercial space transportation.

8 (b) **CONTENTS.**—The report required by this section
9 shall—

10 (1) analyze the adequacy, propriety, and effec-
11 tiveness of, and the need for, the current liability
12 risk-sharing regime in the United States for com-
13 mercial space transportation;

14 (2) examine the current liability and liability
15 risk-sharing regimes in other countries with space
16 transportation capabilities;

17 (3) examine whether it is appropriate for all
18 space transportation activities to be deemed
19 “ultrahazardous activities” for which a strict liability
20 standard may be applied and, if not, what liability
21 regime should attach to space transportation activi-
22 ties, whether ultrahazardous activities or not;

23 (4) examine how relevant international treaties
24 affect the Federal Government’s liability for com-
25 mercial space launches and whether the current do-

1 mestic liability risk-sharing regime meets or exceeds
2 the requirements of those treaties;

3 (5) examine whether and when the commercial
4 space transportation liability regime could be con-
5 formed to the approach of the airline liability re-
6 gime; and

7 (6) include recommendations on whether the
8 commercial space transportation liability regime
9 should be modified and, if so, what modifications are
10 appropriate and what actions are required to accom-
11 plish those modifications.

12 (c) SECTIONS.—The report required by this section
13 shall include—

14 (1) a section containing the views of—

15 (A) the Office of the Associate Adminis-
16 trator for Commercial Space Transportation;

17 (B) the National Aeronautics and Space
18 Administration;

19 (C) the Department of Defense;

20 (D) the Office of Space Commercialization;

21 and

22 (E) any other interested Federal agency,

23 on the issues described in subsection (b);

1 (2) a section containing the views of United
2 States commercial space transportation providers on
3 the issues described in subsection (b);

4 (3) a section containing the views of United
5 States commercial space transportation customers
6 on the issues described in subsection (b);

7 (4) a section containing the views of the insur-
8 ance industry on the issues described in subsection
9 (b); and

10 (5) a section containing views obtained from
11 public comment received as a result of notice in
12 Commerce Business Daily, the Federal Register, and
13 appropriate Federal agency Internet websites on the
14 issues described in subsection (b).

15 The Secretary of Transportation shall enter into appro-
16 priate arrangements for a non-Federal entity or entities
17 to provide the sections of the report described in para-
18 graphs (2), (3), and (4).

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